

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :

OXYCONTIN ANTITRUST LITIGATION :

This Document Relates To: All Cases :
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04 MDL 1603 (SHS)

ORDER NO. 1

(Setting Initial Case Management Conference)

It appearing that the cases listed on **Attachment A** merit special attention as complex litigation, IT IS HEREBY ORDERED:

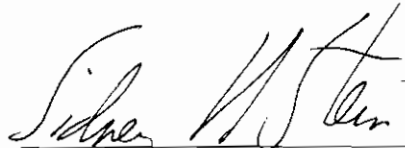
1. Initial Conference

- a. The parties shall appear for an initial conference on January 18, 2006 at 10:00 a.m. in Courtroom 23A.
- b. Attendance. To minimize costs and facilitate a manageable conference, parties are not required to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by designating an attorney to represent its interests at the conference, be precluded from other representation during the litigation.
- c. Service List. This order is being transmitted to the persons shown on **Attachment B**, which has been prepared from the list of counsel who have appeared in 04 MDL 1603 (SHS) or before the Judicial Panel on Multidistrict Litigation. Counsel on this list are requested to forward a copy of the order to other attorneys who should be notified of the conference. A corrected service list, if needed, will be prepared after the conference for future use in this Multi District Litigation.
- d. Other Participants. Persons who are not named as parties in this litigation but may later be joined as parties or are parties in related litigation pending in other federal and state courts are invited to attend in person or by counsel.

- f. List of Affiliated Companies and Counsel. To assist the Court in identifying any problems of recusal or disqualification, counsel will submit to the court by December 27, 2005 a list of all companies affiliated with the parties and all counsel associated in the litigation.
- 4. Electronic Filing and Attorney Admission
 - a. All attorneys who have been admitted to this Court, either for all purposes or pro hac vice for purposes of this case, shall complete and file a CM/ECF attorney registration form by December 27, 2005. Forms can be found on the Court's website at www.nysd.uscourts.gov.
 - b. All attorneys who wish to be admitted for purposes of this case shall comply with Local Civil Rule 1.3 in submitting a motion to be admitted pro hac vice. All such motions should be submitted by December 27, 2005.
 - c. All documents filed in the MDL case and the underlying civil cases shall be filed electronically on the Court's ECF system via the Internet at ecf.nysd.uscourts.gov.

Dated: New York, New York
December 14, 2005

SO ORDERED:



Sidney H. Stein, U.S.D.J.

Attachments

2. Purposes and Agenda

- a. The conference will be held for the purposes specified in Fed. R. Civ. P. 16 and 26(f).
- b. A tentative agenda is appended as **Attachment C**. Counsel are encouraged to advise the Court as soon as possible of any items that should be added to the agenda.

3. Preparations for Conference

- a. Procedures for Complex Litigation. Counsel are expected to familiarize themselves with the Manual for Complex Litigation, Fourth, and be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.
- b. Initial Conference of Counsel. Before the conference, counsel shall confer and seek consensus to the extent possible with respect to the items on the agenda, as well as a suggested schedule under Rule 16(b) for filing of consolidated or coordinated pleadings, and consideration of class certification motions and any additional potentially dispositive pretrial motions. The Court designates Garwin Gerstein & Fisher L.L.P. and Hagens Berman Sobol Shapiro L.L.P. to arrange the initial meetings of plaintiffs' counsel and Covington & Burling and Gibbons Del Deo Dolan Griffinger & Vecchione, P.C. to arrange any initial meetings of defendants' counsel as necessary.
- c. Preliminary Reports. Above designated Counsel will submit to the Court by December 27, 2005 a brief written statement ("Counsel's Statement"), indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will not be filed with the clerk, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in later proceedings.
- d. List of Pending Motions. Counsel's Statement shall list all pending motions including motions for consolidation, appointment of lead counsel and appointment of interim class counsel. To the extent possible, counsel should indicate to which actions listed in Attachment A each motion is pertinent.
- e. List of Related Cases. Counsel's Statement shall list all related cases not included on Attachment A that are pending in state or federal court and their current status, to the extent known.

Attachment A - List of Actions

IN RE: OXYCONTIN ANTITRUST LITIGATION
04 MD 1603

TITLE	DISTRICT	DOCKET #	S.D.OF NY	CLOSING DATE	F
PURDUE -V- BOEHRINGER			99-3658		
PURDUE -V- TEVA			01-8507		
PURDUE -V- TEVA			01-11212		
PURDUE -V- IMPAX			02-2803		
PURDUE -V- IMPAX			02-7569		
PURDUE -V- IMPAX			02-8036		
PURDUE -V- TEVA			03-2312		
UNITED -V- PURDUE			04-112		
AZNAVORIAN -V- PURDUE			04-154		
ARKANSAS -V- PURDUE			04-196		
LOUISIANA -V- PURDUE			04-229		

KRAUSE -V- P.F. LABS			04-314		
PAPER -V- PURDUE			04-315		
ROCHESTER -V- PURDUE			04-327		
AF OF L -V- PURDUE			04-487		
MEIJER -V- PURDUE			04-494		
GIWNER -V- P.F.			04-607		
DRUG -V- P.F.			04-637		
SUFFOLK -V- PURDUE			04-651		
JAFFE -V- PURDUE			04-929		
WINTHROP -V- PURDUE			04-957		
VALLEY -V- PURDUE			04-1014		
AETNA -V- HUMANA			04-1083		
LOUISIANA -V- PURDUE			04-1212		
SAJ -V- PURDUE			04-1354		

WALGREEN -V- PURDUE			04-1446		
UFT -V- PURDUE			04-1808		
PAINTERS -V- PURDUE			04-2078		
WHITTLE -V- PURDUE			04-2089		
VISTA -V- PURDUE			04-2179		
BREWER -V- PURDUE			04-2297		
HALBAN -V- PURDUE			04-2298		
LISSY -V- P.F.			04-2378		
NATHANSON -V- PURDUE			04-2604		
BIRMINGHAM -V- PURDUE			04-2749		
LOCAL 1199 -V- PURDUE			04-3093		
CONN. CITIZEN -V- PURDUE	D OF CONN	3:04-15	04-3131		Y
KLEIN -V- PURDUE	D OF CONN	3:04-39	04-3132		

NEIGHBOR- CARE -V- PURDUE			04-3156		
WHITE -V- PURDUE			04-3295		
CITY OF NY -V- PURDUE			04-3499		
CVS -V- PURDUE			04-3719		
CARE -V- PURDUE			04-3890		
BALLOVERAS -V- PURDUE			04-4039		
MEDIC -V- PURDUE			04-4574		
FRIEDMAN -V- PURDUE			04-4575		
BURSE -V- PURDUE			04-4892		
LYNN -V- PURDUE			04-4893		
GREATER -V- PURDUE			04-4894		
BURNHAM -V- PURDUE			04-4895		
AYALA -V- PURDUE	D OF ARIZONA	2:04-388	04-4960		Y

TULLY -V- PURDUE	ND OF ILLINOIS	1:04-1551	04-4961		Y
SCHOOLEY -V- PURDUE	D OF MINN	0:04-1076	04-4962		Y
DZIERLATKA -V- PURDUE	CD OF CALIFORNIA	2:04-2218	04-5253		Y
LEMASTER -V- PURDUE			04-5256		
KOOMAN -V- PURDUE	ND OF ILLINOIS	1:04-1552	04-5450		Y
WILLIAMS -V- PURDUE			04-7080		
PRESSLEY -V- PURDUE	MD OF FLORIDA	6:04-381	04-7115		Y
WITTEFELDT -V- PURDUE	MD OF FLORIDA	6:04-593	04-7116		Y
MORGANTI -V- PURDUE	ED OF MICHIGAN	2:04-71455	04-7117		Y
DORAN -V- PURDUE	D OF NEVADA	2:04-450	04-7118		Y
MAY -V- PURDUE	D OF SOUTH CAROLINA	9:04-1530	04-7119		Y
WOODSON -V- PURDUE	ED OF TENNESSEE	2:04-94	04-7120		Y
RIDGELL -V- PURDUE	D OF SOUTH CAROLINA	5:04-1328	04-7621		Y

SPERDUTO -V- PURDUE	CD OF CALIFORNIA	2:04-1123	04-8552		Y
GINSBERG -V- PURDUE	CD OF CALIFORNIA	2:04-1125	04-8553		Y
ALBERTSON -V- PURDUE			04-9649		
HEALTH -V- PURDUE			04-9813		
SCHECHER -V- PURDUE			05-3285		
CHABALLA -V- PURDUE			05-3500		
HARLEYS- VILLE -V- PURDUE			05-4761		
JOLLY -V- PURDUE			05-8528		

Attachment B - Service List

Herbert F. Schwartz

Ropes & Gray, LLP(NYC)
1251 Avenue of the Americas,
New York, NY 10020

John Francis Sweeney

Morgan & Finnegan, LLP
Three World Financial Center
New York, NY 10281-2101

Brian D. Coggio

John E. Lavelle, Esq.
38 Willis Avenue
Mineola, NY 11501

Gary Michael Bryner

Kenyon & Kenyon
One Broadway
New York, NY 10004

John J. Normile

Pennie & Edmonds, L.L.P.
1155 Avenue of the Americas
New York, NY 10036-2711
(212) 790-9090
LEAD ATTORNEY

Timothy Edward DeMasi

Weil, Gotshal & Manges LLP(NYC)
767 Fifth Avenue
New York, NY 10153

Duane-David Hough

Fish & Neave
875 Third Avenue
New York, NY 10022-6250

David Brian Wechsler

Wechsler & Cohen, LLP
116 John Street, 33rd Flr.
New York, NY 10038

Curtis Victor Trinko

Law Offices of Curtis V. Trinko, LLP
16 West 46th Street, Seventh Floor
New York, NY 10036

Bernard Persky

Goodkind Labaton Rudoff & Sucharow LLP
100 Park Avenue
12th Floor
New York, NY 10017

Brett H Cebulash

Garwin Gerstein & Fisher, L.L.P.
1501 Broadway Suite 1416
New York, NY 10036

C. William Phillips

Covington & Burling(NYC)
1330 Avenue of Americas
New York, NY 10019

Antonio Vozzolo

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038

Bernard Persky

Labaton Rudoff & Sucharow LLP
100 Park Avenue
12th Floor
New York, NY 10017

Allison Beth Neidoff

Gibbons, Del Deo, Dolan, Griffinger & Vecchione (NY)
One Pennsylvania Plaza, 37th Floor
New York, NY 10119

Linda P. Nussbaum

Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
150 East 52nd Street
New York, NY 10022

Robert Gerard Eisler

Lieff Cabraser Heimann & Bernstein, LLP
780 Third Ave., 48th Floor
New York, NY 10017

Jason Allen Zweig

Kaplan Fox & Kilsheimer LLP
805 Third Avenue
New York, NY 10022

Mark Casser Gardy

Bibicheff & Associates
2259 65th Street
Brooklyn, NY 11204

Mark Casser Gardy

Bibicheff & Associates
2259 65th Street
Brooklyn, NY 11204

Barbara J. Hart

Goldman Gruder & Wood
200 Connecticut Avenue
Norwalk, CT 06854

Lester Levy

Wolf, Popper, Ross, Wolf & Jones
845 Third Avenue

New York, NY 10022

Russel Neil Jacobson

Pomerantz Haudek Block Grossman & Gross LLP
100 Park Avenue, 26th Floor
New York, NY 10017

David Boies

Boies, Schiller & Flexner, LLP
10 North Pearl Street
Albany, NY 12207

Richard Wolfe Cohen

Lowey, Dannenberg, Bemporad and Selinger P.C.
The Gateway 11th floor, One Lexington Avenue
White Plains, NY 10601

Jerald M. Stein

Law Office of Jerald M. Stein
444 Park Ave. So., Fl. 11
New York, NY 10016-7321

Jennifer Winter Sprengel

Miller, Faucher and Cafferty, L.L.P.
30 North La Salle Street
Chicago, IL 60602

Kathleen Currie Chavez

Chavez Law Firm
P.O. Box 772
Geneva, IL 60134

Fred T. Isquith

Wolf Haldenstein Adler Freeman & Herz LLP
270 Madison Avenue
New York, NY 10016

James V. Bashian

Law Offices of James V. Bashian, P.C.
Fairfield Commons
271 Route 46 West
Fairfield, NJ 07004

Patrick Anthony Klingman

Shepherd, Finkelman, Miller & Shah, LLC
65 Main Street
Chester, CT 06412

Michael Dore

Lowenstein Sandler, PC
65 Livingston Avenue
Roseland, NJ 07068

Joseph Lipofsky

Zwerling, Schachter & Zwerling (NYC)
41 Madison Avenue
New York, NY 10010

Catherine Dugan O'Connor

Day, Berry & Howard LLP (Stamford, CT)
One Canterbury Green
Stamford, CT 06901

James E. Miller

Shepherd, Finkelman, Miller & Shah
One Lewis St.
Hartford, CT 06103

Donna Siegel Moffa

Trujillo, Rodriguez & Richards, L.L.P.
8 Kings Highway West
Haddonfield, NJ 08033

Aaron D. Hovan

Kirby McInerney & Squire, LLP

830 Third Avenue, 10th Floor
New York, NY 10022

Barrett Erskine Pope

Durette Bradshaw, PLC
600 E. Main Street
Richmond, VA 23219

Howard Mitchell Bushman

Harke & Clasby
155 S. Miami Avenue
Miami, FL 33130

Samuel Kenneth Rosen

Wechsler Harwood LLP
488 Madison Avenue, 8th Floor
New York, NY 10022

David R. Scott

Scott + Scott, L.L.C.
108 Norwich Avenue
P.O. Box 192
Colchester, CT 06415

Andrew S. Friedman

Bonnett, Fairbourn, Friedman & Balint, P.C.
2901 N. Central Ave.
Phoenix, AZ 85012

Garth A. Rosengren

Kershaw, Cutter, Ratnoff & York, L.L.P.
980 9th Street
Suite 1900
Sacramento, CA 95814-4416

Andrew Friedman

Law Office of Andrew Friedman
682 Grand Street

Brooklyn, NY 11372

Thomas A. Bryan

80 Midland Avenue
Hicksville, NY 11801

Richard A. Lockridge

Lockridge, Grindal, Nauen, P.L.L.P.
100 Washington Avenue S.
Minneapolis, MN 55401

Aashish Desai

Mower Carreon & Desai
2301 Dupont Dr, Ste 360
Irvine, CA 92612-7503

Franklin K. Belhasen, II

Belhausen Law Office
814 S. Mayo Trail
Paintsville, KY 41240

Ben Barnow

Barnow and Goldberg, P.C.
One North LaSalle
Suite 4600
Chicago, IL 60602

Eric Lee Siegel

Henrichsen Seigel, P.L.L.C.
5301 Wisconsin Avenue
NW
Suite 570
Washington, DC 20036

Heather Moore Collins

Henrichsen, Siegel, Moore, P.L.L.C.
1648 Osceola Street
Jacksonville, FL 32204

Andrew S. Friedman

Bonnett, Fairbourn, Friedman & Balint, P.C.
2901 N. Central Ave.
Phoenix, AZ 85012

Andrew J. Morganti

Siemion Huckabay, P.C.
One Towne Square
Southfield, MI 48068

Bruce D. Tingey

Tingey & Tingey Law Firm
723 S. Third Street
Las Vegas, NV 89101

Frederick M. Corley

P.O. Box 2265
Beaufort, SC 29901-2265

Gordon Ball

Ball & Scott
550 Main Avenue
750 NationsBank Center
Knoxville, TN 37902-2567

Bates Nelson Felder

Felder and McGee
P.o. Box 346
St Matthews, SC 29135

Daniel S. Glaser

827 Moraga Drive
Bel Air, CA 90047

Ryan M. Hagan

Alexander Hawes & Audet LLP
152 North 3d Street
San Jose, CA 95112

Douglas H. Patton

Dewsnup, King & Olsen
36 South State Street
Suite 2020
Salt Lake City, UT 84111

Peter S. Obetz

Bartimus, Frickleton, Robertson & Obetz, P.C.
11150 Overbrook Drive
Suite 200
Leawod, KS 66211

Lisa J. Rodriguez

Rodriguez & Richards, L.L.C.
8 Kings Highway East
Haddonfield, NJ 08033

Thomas A. Bryan

P.O. Box 8000
Farmingville, NY 11738-8000

Harold M. Hewell

Hewell Law Firm
1901 First Avenue
Second Floor
San Diego, CA 92101

David S. Nalven

Hagens Berman Sobol Shapiro L.L.P.
One Main Street
Cambridge, MA 02142

David E. Kovel

Kirby McInerney & Squire
830 Third Avenue
New York, NY 10022

**Attachment C – Tentative Agenda
For January 18, 2006 Initial Conference**

1. Consideration of plaintiffs Louisiana Wholesale Drug Co., Inc., et al.'s "Plaintiffs' Motion for Entry of Case Management Order No. 1, Applicable to Direct Purchaser Plaintiffs" seeking consolidation of all direct purchaser class actions and appointment of Garwin Gerstein & Fisher L.L.P., Berger & Montague, P.C. and Boies, Schiller & Flexner L.L.P. as direct purchaser co-lead counsel;
2. Consideration of plaintiffs A.F. of L-A.G.C. Building Trades Welfare Plan, et al.'s "Motion to Appoint Interim Class Counsel for End-Payor Plaintiffs Pursuant to Fed. R. Civ. P. 23(g) and for Consolidation" seeking consolidation of all end-payor class actions and appointment of Lieff, Cabraser, Heimann & Bernstein, L.L.P., Hagens Berman L.L.P., Miller Faucher and Cafferty L.L.P., and Goodkind Labaton Rudoff & Sucharow L.L.P. as end-payor interim class counsel;
3. Consideration of the need for appointment of liaison counsel for coordination of discovery and briefing of all actions;
4. Consideration of defendant Purdue's suggestion that consolidated briefing is appropriate to resolve all pending motions for remand, (see Letter from Timothy C. Hester to the Court, dated June 27, 2005, at p.1);
5. Consideration of whether an order regarding the preservation of documents is warranted, and if so the scope, duration, method of data preservation;
6. Consideration of proposed End-Payor Interim Class Counsel's request that Purdue be directed to make available to plaintiffs the records it produced in the patent litigation and other lawsuits and governmental investigations involving OxyContin, (see Letter from David S. Nalven to the Court, dated June 9, 2005, at p.2; Letter from David S. Nalven to the Court, dated June 29, 2004, at p.3).